

EXHIBIT 1

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[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF RICHARD KADREY'S
AMENDED RESPONSES TO
DEFENDANT META PLATFORMS,
INC.'S SECOND SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Richard Kadrey

SET NUMBER: Two (2)

Plaintiff Richard Kadrey (“Plaintiff”) hereby amends his responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
 3 objections, Plaintiff responds, admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
 6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
 15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections, see
 16 response to RFA 8. Plaintiff responds, admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training
 19 data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 27 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing

objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 11:

Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 11:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 12:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see, e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 12:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be

connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion. Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing objections, Plaintiff responds, as of today, admit.

REQUEST FOR ADMISSION NO. 13:

Admit that YOU have no documentary evidence that any PERSON has offered any consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 13:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 14:

Admit that YOU have no documentary evidence that any PERSON has actually compensated YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 14:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also

objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due

1 to the alleged use of YOUR ASSERTED WORKS to train large language models.

2 **AMENDED RESPONSE TO REQUEST NO. 16:**

3 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
4 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
5 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
6 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
7 further objects to the term “book sales” as rendering this request vague and ambiguous. Plaintiff also
8 objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g.,
9 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to
10 admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within
11 requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17,
12 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use
13 of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further
14 objects to this Request as it calls for expert testimony. Subject to and without waiving the foregoing
15 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be
16 readily obtained by him is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 31:**

18 Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for
19 use in the training of an artificial intelligence large language model.

20 **AMENDED RESPONSE TO REQUEST NO. 31:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
25 further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without
26 waiving the foregoing objections, Plaintiff responds, admit.

1 **REQUEST FOR ADMISSION NO. 33:**

2 Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED
3 works for the purpose of training an artificial intelligence large language model.

4 **AMENDED RESPONSE TO REQUEST NO. 33:**

5 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
6 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
7 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
8 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
9 further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the
10 foregoing objections, Plaintiff responds, admit.

Dated: August 28, 2024

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On August 28, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF RICHARD KADREY'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed August 28, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF SARAH SILVERMAN'S
AMENDED RESPONSES TO
DEFENDANT META PLATFORMS,
INC.'S SECOND SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Sarah Silverman

SET NUMBER: Two (2)

Plaintiff Sarah Silverman (“Plaintiff”) hereby amends her responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
 3 objections, Plaintiff responds, admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
 6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
 15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections, see
 16 response to RFA 8. Plaintiff responds, admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training
 19 data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 27 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing

objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 11:

Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 11:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 12:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see, e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 12:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be

connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion. Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing objections, Plaintiff responds, as of today, admit.

REQUEST FOR ADMISSION NO. 13:

Admit that YOU have no documentary evidence that any PERSON has offered any consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 13:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 14:

Admit that YOU have no documentary evidence that any PERSON has actually compensated YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 14:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also

objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due

1 to the alleged use of YOUR ASSERTED WORKS to train large language models.

2 **AMENDED RESPONSE TO REQUEST NO. 16:**

3 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 4 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
 5 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 6 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 7 further objects to the term “book sales” as rendering this request vague and ambiguous. Plaintiff also
 8 objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g.,
 9 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to
 10 admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within
 11 requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17,
 12 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use
 13 of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further
 14 objects to this Request as it calls for expert testimony. Subject to and without waiving the foregoing
 15 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be
 16 readily obtained by her is insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 31:**

18 Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for
 19 use in the training of an artificial intelligence large language model.

20 **AMENDED RESPONSE TO REQUEST NO. 31:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
 23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 25 further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without
 26 waiving the foregoing objections, Plaintiff responds, admit.
 27

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

1 Dated: August 28, 2024

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On August 28, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF SARAH SILVERMAN'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed August 28, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF CHRISTOPHER GOLDEN'S
AMENDED RESPONSES TO
DEFENDANT META PLATFORMS,
INC.'S SECOND SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Christopher Golden

SET NUMBER: Two (2)

Plaintiff Christopher Golden (“Plaintiff”) hereby amends his responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
3 objections, Plaintiff responds, admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections, see
16 response to RFA 8. Plaintiff responds, admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training
19 data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing
2 objections, Plaintiff responds, admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so
5 authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial
6 intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
15 objections, Plaintiff responds, admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
26 objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects
27 to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi.*

1 *Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be
 2 connected to the facts of the case, courts do not permit “hypothetical” questions within requests for
 3 admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997)
 4 (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its
 5 device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to
 6 this Request as duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert
 7 opinion. Plaintiffs are still investigating their damages theory. Subject to and without waiving the
 8 foregoing objections, Plaintiff responds, as of today, admit.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any
 11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **AMENDED RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
 15 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 16 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
 17 objects to the term “documentary evidence” as being vague and overbroad because it is not limited to
 18 the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
 19 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
 20 objections, Plaintiff responds, admit.

21 **REQUEST FOR ADMISSION NO. 14:**

22 Admit that YOU have no documentary evidence that any PERSON has actually compensated
 23 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

24 **AMENDED RESPONSE TO REQUEST NO. 14:**

25 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 26 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
 27 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,

Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical

bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the term “book sales” as rendering this request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it calls for expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds, admit.

1 Dated: August 28, 2024

By: /s/ Joseph R. Saveri
Joseph R. Saveri

2
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26 *Counsel for Individual and Representative Plaintiffs*
27 *and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by the Joseph Saveri Law Firm, LLP. My business address is 601 California Street, Suite 1505, San Francisco, California 94108. I am over the age of eighteen and not a party to this action.

On August 28, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF CHRISTOPHER GOLDEN'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed August 28, 2024, at San Francisco, California.

By: *Rya Fishman*
Rya Fishman

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF TA-NEHISI COATES'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Ta-Nehisi Coates

SET NUMBER: Two (2)

Plaintiff Ta-Nehisi Coates (“Plaintiff”) hereby amends his responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.
2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.
3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
 3 objections, Plaintiff responds as follows: admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
 6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
 15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
 16 see response to RFA 8. Plaintiff responds as follows: admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
 19 training data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that he may be willing to consider permitting a third party to use his asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

1 Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

2
3 Joseph R. Saveri (State Bar No. 130064)
Cadio Zirpoli (State Bar No. 179108)
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26 *Counsel for Individual and Representative Plaintiffs*
27 *and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF TA-NEHISI COATES'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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Counsel for Plaintiffs

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF JUNOT DIAZ'S AMENDED
RESPONSES TO DEFENDANT META
PLATFORMS, INC.'S SECOND SET OF
REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Junot Diaz

SET NUMBER: Two (2)

Plaintiff Junot Diaz (“Plaintiff”) hereby amends his responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as

1 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
2 objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
5 licensed for use as training data for artificial intelligence.

6 **AMENDED RESPONSE TO REQUEST NO. 9:**

7 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
8 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
9 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
10 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
11 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
12 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
13 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
14 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
15 see response to RFA 8. Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 10:**

17 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
18 training data for artificial intelligence.

19 **AMENDED RESPONSE TO REQUEST NO. 10:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
21 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
23 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
24 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
25 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
26
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
 2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
 5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
 6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
 15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
 18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
 19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
 20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
 26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
 27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that he may be willing to consider permitting a third party to use his asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF JUNOT DIAZ’S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.’S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF ANDREW SEAN GREER'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

1 **PROPOUNDING PARTIES:** **Defendant Meta Platforms, Inc.**
2 **RESPONDING PARTIES:** **Plaintiff Andrew Sean Greer**
3 **SET NUMBER:** **Two (2)**

4
5 Plaintiff Andrew Sean Greer (“Plaintiff”) hereby amends his responses to Defendant Meta
6 Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or
7 “RFAs”).

8 **GENERAL OBJECTIONS**

- 9 1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they
10 purport to require Plaintiff to respond in any way beyond what is required by the Federal and local
11 rules.
- 12 2. Plaintiff objects to the Requests to the extent they seek information or materials that are
13 protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure
14 rules, or other applicable privileges and protections, including communications with Plaintiff’s
15 attorneys regarding the Action.
- 16 3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or
17 supplement these responses with subsequently discovered responsive information and to introduce and
18 rely upon any such subsequently discovered information in this litigation.

19 **AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**
20 **REQUEST FOR ADMISSION NO. 8:**

21 Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training
22 data for artificial intelligence.

23 **AMENDED RESPONSE TO REQUEST NO. 8:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
3 objections, Plaintiff responds as follows: admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
16 see response to RFA 8. Plaintiff responds as follows: admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
19 training data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that he may be willing to consider permitting a third party to use his asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

1 Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

2
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26 *Counsel for Individual and Representative Plaintiffs*
27 *and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF ANDREW SEAN GREER'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF DAVID HENRY HWANG'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff David Henry Hwang

SET NUMBER: Two (2)

Plaintiff David Henry Hwang (“Plaintiff”) hereby amends his responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.
2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.
3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
3 objections, Plaintiff responds as follows: admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
16 see response to RFA 8. Plaintiff responds as follows: admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
19 training data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that he may be willing to consider permitting a third party to use his asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF DAVID HENRY HWANG'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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Counsel for Plaintiffs

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF MATTHEW KLAM'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Matthew Klam

SET NUMBER: Two (2)

Plaintiff Matthew Klam (“Plaintiff”) hereby amends his responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as

1 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
2 objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
5 licensed for use as training data for artificial intelligence.

6 **AMENDED RESPONSE TO REQUEST NO. 9:**

7 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
8 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
9 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
10 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
11 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
12 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
13 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
14 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
15 see response to RFA 8. Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 10:**

17 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
18 training data for artificial intelligence.

19 **AMENDED RESPONSE TO REQUEST NO. 10:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
21 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
23 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
24 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
25 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
26
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff
26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and his agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that he may be willing to consider permitting a third party to use his asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

1 Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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26 *Counsel for Individual and Representative Plaintiffs*
27 *and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF MATTHEW KLAM'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF LAURA LIPPMAN'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Laura Lippman

SET NUMBER: Two (2)

Plaintiff Laura Lippman (“Plaintiff”) hereby amends her responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.
2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.
3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
 3 objections, Plaintiff responds as follows: admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
 6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
 15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
 16 see response to RFA 8. Plaintiff responds as follows: admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
 19 training data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that she may be willing to consider permitting a third party to use her asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

1 Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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26 *Counsel for Individual and Representative Plaintiffs*
27 *and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF LAURA LIPPMAN'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF RACHEL LOUISE SNYDER'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Rachel Louise Snyder

SET NUMBER: Two (2)

Plaintiff Rachel Louise Snyder (“Plaintiff”) hereby amends her responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
3 objections, Plaintiff responds as follows: admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
16 see response to RFA 8. Plaintiff responds as follows: admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
19 training data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
 2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
 5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
 6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
 15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
 18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
 19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
 20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
 27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion. Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 13:

Admit that YOU have no documentary evidence that any PERSON has offered any consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 13:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 14:

Admit that YOU have no documentary evidence that any PERSON has actually compensated YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 14:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that she may be willing to consider permitting a third party to use her asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

1 Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

2
3 Joseph R. Saveri (State Bar No. 130064)
Cadino Zirpoli (State Bar No. 179108)
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26 *Counsel for Individual and Representative Plaintiffs*
27 *and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF RACHEL LOUISE SNYDER'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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Holden Benon (State Bar No. 325847)
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*Counsel for Individual and Representative
Plaintiffs and the Proposed Class*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.,

Defendant.

Lead Case No. 3:23-cv-03417-VC
Case No. 4:23-cv-06663

**PLAINTIFF JACQUELINE WOODSON'S
AMENDED RESPONSES TO DEFENDANT
META PLATFORMS, INC.'S SECOND SET
OF REQUESTS FOR ADMISSION**

PROPOUNDING PARTIES: Defendant Meta Platforms, Inc.

RESPONDING PARTIES: Plaintiff Jacqueline Woodson

SET NUMBER: Two (2)

Plaintiff Jacqueline Woodson (“Plaintiff”) hereby amends her responses to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.
2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.
3. Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

AMENDED OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

REQUEST FOR ADMISSION NO. 8:

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

AMENDED RESPONSE TO REQUEST NO. 8:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will

1 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
2 duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing
3 objections, Plaintiff responds as follows: admit.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been
6 licensed for use as training data for artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
14 duplicative in whole or in part of RFAs 8, 10-11 and 13-14. Plaintiff further objects to this Request as
15 irrelevant to any disputed issue in the case. Subject to and without waiving the foregoing objections,
16 see response to RFA 8. Plaintiff responds as follows: admit.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as
19 training data for artificial intelligence.

20 **AMENDED RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
22 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
24 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
25 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
26 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
27

1 duplicative in whole or in part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the
 2 foregoing objections, Plaintiff responds as follows: admit.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody
 5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for
 6 artificial intelligence.

7 **AMENDED RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 9 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 10 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 11 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 12 objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will
 13 construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as
 14 duplicative in whole or in part of RFAs 8-10 and 13-14. Subject to and without waiving the foregoing
 15 objections, Plaintiff responds as follows: admit.

16 **REQUEST FOR ADMISSION NO. 12:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have
 18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,
 19 e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement
 20 alleged in the COMPLAINT.

21 **AMENDED RESPONSE TO REQUEST NO. 12:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
 23 discovery that is irrelevant and /or disproportional to the needs of the case because, as defined, it
 24 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
 25 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff
 26 objects to the term “lost sales” as vague and ambiguous. Plaintiff further objects to this Request
 27 because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*,
 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the

1 facts of the case, courts do not permit “hypothetical” questions within requests for admission.”);
2 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request
3 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.
4 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as
5 duplicative in whole or in part of RFA 15. Further, this Request seeks premature expert opinion.
6 Plaintiffs are still investigating their damages theory. Subject to and without waiving the foregoing
7 objections, Plaintiff responds as follows: admit.

8 **REQUEST FOR ADMISSION NO. 13:**

9 Admit that YOU have no documentary evidence that any PERSON has offered any
10 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

11 **AMENDED RESPONSE TO REQUEST NO. 13:**

12 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
13 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
14 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
15 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also
16 objects to the term “documentary evidence” as vague and overbroad because it is not limited to the
17 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as
18 duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing
19 objections, Plaintiff responds as follows: admit.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **AMENDED RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties,
27 Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also
objects to the term “documentary evidence” as vague and overbroad because it is not limited to the

specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 15:

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

AMENDED RESPONSE TO REQUEST NO. 15:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this case. Plaintiff further objects to the term “lost sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 16:

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

AMENDED RESPONSE TO REQUEST NO. 16:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to the term “book sales” as vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. See, e.g., *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at *5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at *3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as it prematurely seeks expert testimony. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

REQUEST FOR ADMISSION NO. 31:

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 31:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: admit.

REQUEST FOR ADMISSION NO. 33:

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

AMENDED RESPONSE TO REQUEST NO. 33:

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. As narrowed by the parties, Plaintiff will construe “You” and “Your” to include Plaintiff individually, and her agents. Plaintiff further objects that this Request poses an incomplete hypothetical, preventing Plaintiff from providing a single definitive answer. Subject to and without waiving the foregoing objections, Plaintiff admits only that she may be willing to consider permitting a third party to use her asserted works for the purpose of training an artificial intelligence large language model, under certain circumstances not present in this case. Plaintiff otherwise denies Request No. 33.

Dated: September 6, 2024

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class*

CERTIFICATE OF SERVICE

I, the undersigned, am employed by Cafferty Clobes Meriwether & Sprengel, LLP. My business address is 135 South LaSalle Street, Suite 3210, Chicago, Illinois 60603. I am over the age of eighteen and not a party to this action.

On September 6, 2024, I caused the following documents to be served by email upon the parties listed on the attached Service List:

- **PLAINTIFF JACQUELINE WOODSON'S AMENDED RESPONSES TO DEFENDANT META PLATFORMS, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

I declare under penalty of perjury that the foregoing is true and correct. Executed September 6, 2024, at Chicago, Illinois.

By: /s/ Bryan L. Clobes
Bryan L. Clobes

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